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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,491	09/05/2000	Ernst Messerschmid	1319.GLE.PT	7428

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EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 03/31/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/622,491

Applicant(s)

MESSERSCHMID ET AL.

Examiner

Brian A Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-89 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 57-89 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

EXAMINER'S RESPONSE**Status of Application**

In response to the applicant's amendment received on 12/8/03. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 57-89 are unpatentable for the reasons set forth in this office action:

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a **single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied,

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such as, "The disclosure concerns," "The disclosure defined by this invention,"
"The disclosure describes," etc.

Claim Rejections - 35 USC § 112

1. Claim 75 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 75 recites the limitation "authentication transmission." There is insufficient antecedent basis for this limitation in the claim.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 58-62,65,66,83 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, support could not be found for the following limitations: each component receiving the signal independently, the radio control signal being periodic, the satellite being an airship, the satellite being used as a repeater, having disablement occur immediately, transmitting the unique ID once, transmitting the unique ID repeatedly and the component including decoder logic.

¶ 23
not critical
Kulika

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 57,58,60-62,64-71,74-76,78-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop (2001/0040503) in view of Badger (5729192).

Bishop shows a vehicle device that includes a plurality of components (figures 6b. through 6e.) that can receive radio signals, evaluate the radio signals and deactivate the components in the system. See also paragraph 0031.

In an analogous art, Badger shows vehicle-disabling system where a component receives a radio signal from flying bodies 38. The receiving component, once determining a proper signal has been received, then permanently disables one of a plurality of components. See col. 2 lines 13-15 and col. 6 lines 15-19. Since this is a permanent deactivation, the part must be replaced in order for the part or component to work again. Badger shows the satellite 38 is in the air, and can therefore be considered an airship. The receivers of Badger include decoder logic and are integrated in the vehicle.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the disabling component disable multiple other components in the vehicle to eliminate the need for disabling elements in every component.

Regarding the limitation of having a check sum in the communication for error detection, it is the examiner's position that the use of a check sum in a communication for error detection is very well known and common in the art at the time of the invention.

Regarding the term worldwide ID, the use of unique identification in Badger and Bishop is equivalent to the claimed worldwide ID.

The examiner takes official notice that paging signals (like those of Bishop) commonly occur once in a time period and can alternately be transmitted periodically in order to ensure reception.

4. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop and Badger as applied to claim 57 above, and further in view of Besharat (6219540).

In an analogous art, Besharat shows an indication to the user that the user should bring the communication device within range to improve normal operation of the communication device. See figure 3. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have indicated an out of range error to the user to avoid improper operation of the above modified disablement system.

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1. Claims 72,73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop and Badger as applied to claim 57 above, and further in view of Suzarka (6285860).

In an analogous art, Suzarka shows a vehicle shutdown or disable system that uses an interrogation-response communication to determine the location and authentication of the vehicle in order to properly disable the desired vehicle. See abstract. Therefore, it would have been obvious to have used interrogation-response communication in order to provide improved security in the disable system discussed above.

2. Claims 85,87,88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop and Badger as applied to claims 79,80 above, and further in view of Kaish (4494114).

In an analogous art, Kaish shows a disabling device that renders electronic appliances inoperable to prevent or dissuade theft. The examiner takes official notice that the claimed elements set forth in these claims are common well known electronic appliances. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the above modified disabling system to render electronic keys and smart cards inoperable in order to deter theft.

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3. Claims 86 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop and Badger as applied to claims 79 above, and further in view of Rohrbach (5898783).

In an analogous art, Rohrbach shows a disabling device that renders portable telephone appliances inoperable to prevent or dissuade theft. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the above modified disabling system to render portable telephone appliances inoperable in order to deter theft.

4. Claims 63 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Badger and Bishop as applied to claim 57 above, and further in view of Hertel (5532690).

In an analogous art, Hertel shows a vehicle disabling system that disables the vehicle after a time delay in order to safely provide disabling of the vehicle. See col. 5 lines 15+.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a time delay in disabling the vehicle in the above discussed system in order to ensure safe disabling of the vehicle.

Response to Arguments

Applicant's arguments filed 12/8/03 have been fully considered but they are not persuasive. The applicant argues that the deactivation in Bishop and

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Badger is reversible and therefore not permanent. Badger, as pointed to above, discusses an embodiment where the disablement is permanent.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

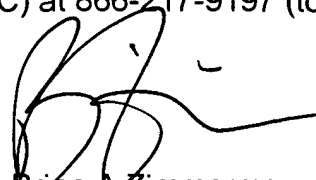
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A. Zimmerman
Primary Examiner
Art Unit 2635

BAZ